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بِسْمِ ٱللَّهِ ٱلرَّحْمَـٰنِ ٱلرَّحِيمِ

In the name of Allah, the Most Compassionate, the Most Merciful

PREFACE

All the praise is for Allah, Lord of all beings, the Most Compassionate, the Most Merciful, the Sovereign of the Day of Judgement. You Alone we worship and You Alone we ask for help. Guide us to the straight way — the way of those You graced upon, not of those under wrath nor of those gone stray. Âmîn.

And peace and blessings be on the one sent with the perfect *dîn*, the straight way and *jihâd* by the sword till the Day of Judgement, and upon his Family and Companions and those who follow his guidance till the Day of Judgement.

During the recent years the Muslim *'ummah* have been afflicted with an immense catastrophe which could not have been imagined before its occurrence nor could anyone of the Muslim *'ummah* think or suspect that such a thing would happen to them. It is the victory of the Jews, notwithstanding that they are a small group, over the Muslim *'ummah* in four successive wars in which the Jews fought in one united front against the Muslims divided into divergent ranks. The Jews raised slogans that run counter to Islam, such as nationalism, patriotism, regionalism or mere defence of the land. The Arabs and the Muslims have been routed by their enemies, the Jews, in defeats which history does not

know any instance of. Moreover, the Arab Muslims whom these defeats have affected concur about the indispensability of concluding peace and compromise with the Jews, saying that there is no alternative before them and offering the excuse that the Jews are helped by the Western nations and America while the Muslims have no power and authority in their favour.

And after having extended their hands for compromise with the Jews some of the Arabs have in fact concluded treaties with them calling these Peace Treaties. Since these treaties contain conditions that are invalid, more harmful and graver than defeats in the wars, and since people are asking about what should the Muslims' attitude be towards the Jews and towards the Peace Treaties that have been concluded, and because Allah *Subhânahu wa Ta'âlâ* has taken a covenant of those who are given knowledge to elucidate and not to conceal anything, I have liked to write briefly about the attitude which, according to *sharî'ah*, the members of the Islamic *'ummah* should adopt towards these treaties they call Peace Treaties.

I

THE PRELIMINARIES

I say, and Allah is the Helper:

(١) The Jews have been the enemies of the Islamic* ’ummah *since the Messenger of Allah, Muhammad, peace and blessings of Allah be on him, began his call to Allah; and their hostility to this* ’ummah *will continue till the Day of Resurrection.

The Messenger of Allah began the war with them at an early date. He first fought Banû Qaynuqâ‘ on account of their treachery, gained victory over them and expelled them from Madînah. Next he fought Banû al-Nadîr for their treachery and expelled them from Madînah; then Banû Qurayzah because of their treachery and betrayal and then he conquered Khaybar which was a result of their evil machinations. Next ‘Umar ibn al-Khattâb, may Allah be pleased with him, evacuated them from the entire Arabian peninsula. After their defeats their enmity was transformed into artful plotting in secret. Hence they were behind the secret factions and most of the internal troubles of the Islamic *’ummah*. Moreover, they were active behind the destruction of the last *khilâfah* of the Muslims, the Ottoman Caliphate. It was also they who turned the attention of the Christian European nations to fighting Islam. Volumes cannot contain the tale of their conspiracies against Islam and the Muslims.

Their hostility to the Muslims continues, so much so that

stones and trees call out to the Muslims saying: "**O Muslim, here is a Jew behind you, so fight him**" (*hadîth,* agreed by *Bukhârî* and *Muslim*); and it will continue till the last of them come out following Dajjâl.

The enmity of the Jews towards the followers of Islam and the Messenger of Allah, peace and blessings of Allah be on him, emanates from their envy and jealousy – envy because of the transfer of Messengership and Prophethood from the progeny of Ishâq to the progeny of Ismâ‘îl, and because of the illiterate Arabs' becoming masters of the world by Allah's Book, His *dîn* and His law (*sharî‘ah*). Allah says:

بِئْسَمَا ٱشْتَرَوْا۟ بِهِۦٓ أَنفُسَهُمْ أَن يَكْفُرُوا۟ بِمَآ أَنزَلَ ٱللَّهُ بَغْيًا أَن يُنَزِّلَ
ٱللَّهُ مِن فَضْلِهِۦ عَلَىٰ مَن يَشَآءُ مِنْ عِبَادِهِۦ ۖ فَبَآءُو بِغَضَبٍ عَلَىٰ
غَضَبٍ ۚ وَلِلْكَـٰفِرِينَ عَذَابٌ مُّهِينٌ

Bad is what they sell themselves for, in that they disbelieve in what Allah has sent down, out of envy, that Allah should send down of His grace (*wahy*) upon whomsoever He wills of His servants. Thus they incurred wrath upon wrath; and there is for the infidels a humiliating punishment (*Al-Baqarah :* ٩٠).

And it was they who started the hostility, have continued it and have not ceased to be hostile as Allah says:

وَقَالَتِ ٱلْيَهُودُ يَدُ ٱللَّهِ مَغْلُولَةٌ ۚ غُلَّتْ أَيْدِيهِمْ وَلُعِنُوا۟ بِمَا قَالُوا۟ ۘ بَلْ يَدَاهُ
مَبْسُوطَتَانِ يُنفِقُ كَيْفَ يَشَآءُ ۚ وَلَيَزِيدَنَّ كَثِيرًا مِّنْهُم مَّآ أُنزِلَ إِلَيْكَ
مِن رَّبِّكَ طُغْيَٰنًا وَكُفْرًا ۚ وَأَلْقَيْنَا بَيْنَهُمُ ٱلْعَدَٰوَةَ وَٱلْبَغْضَآءَ إِلَىٰ يَوْمِ
ٱلْقِيَٰمَةِ ۚ كُلَّمَآ أَوْقَدُوا۟ نَارًا لِّلْحَرْبِ أَطْفَأَهَا ٱللَّهُ ۚ وَيَسْعَوْنَ فِى ٱلْأَرْضِ
فَسَادًا ۚ وَٱللَّهُ لَا يُحِبُّ ٱلْمُفْسِدِينَ

And the Jews say: 'The Hands of Allah are tied up'. Be their hands tied up and be they accursed, on account of what they utter. Nay, His two Hands are stretched out. He spends as He wills. And indeed what is sent down to you from your Lord increases many of them in transgression and disbelief; and We have flung amongst them enmity and hatred till the Day of Resurrection. Each time they enkindle the fire of war, Allah extinguishes it. They strive in the earth making troubles; and Allah does not like the trouble-makers. (*Al-Mâ'idah* : ٦٤)

Whoever supposes that this war and hostility between the Muslims and the Jews may be brought to an end does in fact disbelieve in Allah's promise and His *dîn*; and whoever works for eliminating this enmity and hatred between the Muslims and the Jews is an unbeliever in Allah *Subhânahu wa Ta'âlâ*; for the essence of belief is love for the sake of Allah. It is not lawful for a Muslim to combine in his heart love for Allah and the Muslims and friendship with His enemies.

قَدْ كَانَتْ لَكُمْ أُسْوَةٌ حَسَنَةٌ فِىٓ إِبْرَٰهِيمَ وَٱلَّذِينَ مَعَهُۥٓ إِذْ قَالُوا۟ لِقَوْمِهِمْ
إِنَّا بُرَءَٰٓؤُا۟ مِنكُمْ وَمِمَّا تَعْبُدُونَ مِن دُونِ ٱللَّهِ كَفَرْنَا بِكُمْ وَبَدَا
بَيْنَنَا وَبَيْنَكُمُ ٱلْعَدَٰوَةُ وَٱلْبَغْضَآءُ أَبَدًا حَتَّىٰ تُؤْمِنُوا۟ بِٱللَّهِ وَحْدَهُۥٓ

There is for you an excellent example in Ibrâhîm and those with him; when they said to their people: 'We are clear of you and whatever you worship besides Allah. We have rejected you and there has arisen between us and you enmity and hatred for ever, unless you believe in Allah Alone… (*Al-Mumtahinah* :٤).

Hence there can be no friendship between a Muslim and a *kâfir* unless the two become either unbelievers or Muslims – either the *kâfir* embraces Islam and thus becomes our brother whom we can love and befriend, or the Muslim abandons Islam and thus becomes a loved one and brother of the *kâfir*.

۞ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَتَّخِذُوا۟ ٱلْيَهُودَ وَٱلنَّصَٰرَىٰٓ أَوْلِيَآءَ ۘ بَعْضُهُمْ
أَوْلِيَآءُ بَعْضٍ ۚ وَمَن يَتَوَلَّهُم مِّنكُمْ فَإِنَّهُۥ مِنْهُمْ ۗ إِنَّ ٱللَّهَ لَا يَهْدِى ٱلْقَوْمَ
ٱلظَّٰلِمِينَ

O you who believe do not take the Jews and the Christians as friends. They are friends to one another. And whoever of you takes them as friends is indeed one of them. Verily Allah will not give guidance to the transgressing people. (*Al-Mâ'idah* : ٥١).

(٢) No call to conclude peace is to be made except when the* kâfir *is humbled and surrenders, or it is for warding off a greater evil by accepting a lesser evil.

The basis of relationship between Muslims and unbelievers is enmity and war; for Allah says :

وَقَـٰتِلُـوهُمۡ حَـتَّىٰ لَا تَكُـونَ فِتۡنَـةٌ وَيَكُـونَ ٱلـدِّينُ كُلُّـهُۥ لِلَّـهِۚ

And fight them till there be no oppression and the worship becomes totally for Allah. (*Al-'Anfâl* : ٣٩).

Allah further says:

قَـٰتِلُواْ ٱلَّذِينَ لَا يُؤۡمِنُونَ بِٱللَّهِ وَلَا بِٱلۡيَوۡمِ ٱلۡأٓخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ ٱللَّهُ
وَرَسُولُهُۥ وَلَا يَدِينُونَ دِيـنَ ٱلۡحَقِّ مِنَ ٱلَّذِينَ أُوتُواْ ٱلۡكِتَـٰبَ حَتَّىٰ يُعۡطُواْ
ٱلۡجِزۡيَـةَ عَـن يَـدٖ وَهُـمۡ صَـٰغِرُونَ

And fight those who do not believe in Allah nor in the Day of Judgement; nor treat as unlawful what Allah and His Messenger have made unlawful, nor adopt the *dîn* of the truth (Islam), from among those who were given the Book, until they pay *jizyah* with their own hand making submission. (*Al-Tawbah* : ٢٩).

There are indeed many *'âyahs* and *hadîths* in this regard; and all of them enjoin the believers to take to fighting until all submit to the *dîn* of Allah (Islam) and His *sharî'ah*, either voluntarily or being humbled and compelled.

Allah did not give permission for the Muslim *'ummah* to make a call to the unbelievers for peace except in two situations:

(a) That the unbelievers are humbled and weakened, their powers decline and they show eagerness for making peace. In that situation the conclusion of peace will be in the interest of the Muslims, for their conviction is stronger and their action greater, and thereby the field will be opened for people to enter the *dîn*, as was the case between the Messenger of Allah, peace and blessings of Allah be on him, and Quraysh. The Prophet, peace and blessings of Allah be on him, began fighting them at Badr, then at 'Uhud, then at the Ditch (*Khandaq*) and then at Hudaybiyah. The Companions pledged themselves for laying down their lives when they received the news that that Quraysh had killed his ambassador, 'Uthmân ibn 'Affân, may Allah be pleased with him. The Messenger of Allah, peace and blessings of Allah be on him, did not incline to make peace with Quraysh except after they themselves had made proposals for peace and had sent 'Urwah ibn Mas'ûd al-Thaqafî for the purpose, because Allah says:

﴿وَإِن جَنَحُوا۟ لِلسَّلْمِ فَٱجْنَحْ لَهَا وَتَوَكَّلْ عَلَى ٱللَّهِ ۚ

And if they show eagerness for peace then be inclined to

make peace and depend on Allah (*Al-Anfâl* : ٦١).

And the conclusion of this peace and treaty (at Hudaybiyah) was entirely in the interest of the Muslims, for the big shots of Quraysh entered Islam during the period of this treaty.

(b) That the conclusion of peace be in the nature of accepting a lesser harm so that the Muslims resort to that in order to avert a graver danger, such as the Messenger of Allah, may peace and blessings of Allah be on him, thought of concluding peace with the Ghatafân tribe on paying a half of the date produce of Madînah so that they dissolve their alliance with Quraysh and the Prophet, peace and blessings of Allah be on him, may isolate and fight them singly after that.

Apart from these two situations it is not lawful to make a call for conclusion of peace, so that it becomes reliance on worldly advantage and dislike for *jihâd* or fear of the large number of the unbelievers; for the believers are helped in their fight against the unbelievers notwithstanding their large numbers. This is Allah's ever continuing norm (*sunnah*) in His dealings with His servants.

كَم مِّن فِئَةٖ قَلِيلَةٍ غَلَبَتۡ فِئَةٗ كَثِيرَةَۢ بِإِذۡنِ ٱللَّهِۗ وَٱللَّهُ مَعَ ٱلصَّٰبِرِينَ

How many a small band triumphed over a numerous host by Allah's leave; and Allah is with the persevering ones. (*Al-Baqarah*, ٢٤٩).

وَلَوْ قَاتَلَكُمُ الَّذِينَ كَفَرُوا لَوَلَّوُا الْأَدْبَارَ ثُمَّ لَا يَجِدُونَ وَلِيًّا وَلَا نَصِيرًا
﴿٢٢﴾ سُنَّةَ اللَّهِ الَّتِي قَدْ خَلَتْ مِن قَبْلُ وَلَن تَجِدَ لِسُنَّةِ اللَّهِ تَبْدِيلًا

And if those who disbelieve engage in fighting with you they shall turn their backs; and then they shall not find any friends nor anyone to help. This is the norm of Allah which has happened before; and you shall not find any alteration in Allah's way of dealings. (*Al-Fath*: ٢٢-٢٣).

As regards making a call for peace in the sense of abandoning war once and for all, and concluding peace with the unbelievers for all time to come, and discarding of war and fighting absolutely, that is disbelief in Allah and exit from the community of Islam and revocation of the duty of *jihâd* which Allah has made incumbent on every Muslim till the Day of Resurrection as He says:

كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كُرْهٌ لَّكُمْ

Incumbent is made on you fighting, though it is loathsome to you. (*Al-Baqarah* :٢١٦).

The word *kutiba* here means "it is made incumbent, an obligatory duty (*fard*)". And the Prophet, peace and blessings of Allah be on him, said: "**There is no *hijrah* after the conquest (of Makkah), but *jihâd* and intention (for it)**." (Reported by Muslim, Ahmad and Tirmidhî).

So the duty of *jihâd* continues after the conquest of Makkah till the Day of Resurrection. It means either to undertake it personally, and that is the individual obligation (*al-fard al-'aynî*), or an intention to do so by a Muslim which he should never cease to entertain and on which he should meet his death, so that he remains prepared to pursue it in all situations, and does actually engage in it whenever it becomes an individual obligation; or else he commits a sin if he abstains from the individual obligation.

(٣) It is not lawful for a Muslim Imâm *to stipulate in his peace treaty with the* kâfir *a condition that contravenes the Qur'ân, the* sunnah *and the* dîn *of Islam:*

It is of course implied by Islam that it is not lawful for the Muslim *Imâm* and leader, while making a valid peace with the unbelievers, to agree with them on any term which contravenes the Qur'ân and the *sunnah*. Any term which violates these principles becomes invalid *ipso facto.*

So the terms that are permissible to stipulate with the unbelievers are only those that are lawful, such as the conclusion of an armistice or agreement for the cessation of hostilities, whether temporary or for a specified period, as the Messenger of Allah, peace and blessings of Allah be on him, made an agreement with Quraysh for stopping hostilities for ten years, or any such treaty without specifying any period, such as the Messenger of Allah, peace and blessings of Allah be on him, made peace with the Jews of Madina without fixing any specified period.

Hence conclusion of an armistice or settlement with the

unbelievers may lawfully be made by a Muslim *Imâm*. Similarly peace may also be concluded with them providing for their paying something to the Muslims, or the Muslims' paying them some money under duress. These and such other terms as may lawfully be made.

As regards the invalid conditions, they are for instance, to stipulate that the Muslims give up something of their *dîn,* such as praying (*salât*), fasting, *jihâd* or administering justice according to what Allah has sent down. Such conditions and the like amount to disbelief in Allah, replacing His *sharî'ah* and *dîn,* and abandonment by the Muslims of their conviction (*'aqîdah*) for the sake of pleasing the unbelievers. And this is *kufr* or unbelief in Allah *Subhânahu wa Ta'âlâ.*

Every treaty and settlement between the Muslims and the unbelievers that contain invalid conditions are void, even if there be a hundred such conditions. Rather, any condition in any treaty or agreement between a Muslim and a Muslim, if it contains an invalid condition not in accord with the Qur'ân and the *sunnah* of His Messenger, peace and blessings of Allah be on him, invalidates the agreement or the condition; for the Messenger of Allah, peace and blessings of Allah be on him, said: "**Whatever condition is there that is not in the Book of Allah, *'Azza wa Jallâ*, is void, even if there be a hundred conditions. The Book of Allah is the Truest and Allah's condition is the most binding**." (Agreed by Bukhârî and Muslim).

Hence, agreements for interest (*ribâ*), adultery (*zinâ*), killing a Muslim, gambling and any agreement to do what Allah *Subhânahu wa Ta'âlâ* has forbidden is void *ab initio*; and it is neither lawful for a Muslim to conclude such an agreement nor to

fulfil it if he makes one; for it is void *ab initio* and it is not lawful to abide by it.

II

THE AGREEMENTS CONCLUDED BY SOME ARAB POLITICIANS WITH THE JEWS ARE VOID ON THE FOLLOWING CONSIDERATIONS AND GROUNDS

After the foregoing and essential preliminaries we say that the three agreements concluded between the Jews and some Arab politicians are void according to *sharî'ah* and it is not lawful for any Muslim to consider them as valid or to give effect to anything of these agreements except under duress and compulsion with regard to such matters about which duress and compulsion are valid extenuating grounds, not with regard to such matters in which duress and compulsion are no valid plea, such as to kill a Muslim, for compulsion is no valid plea of defence in such an act because the life of the killer who raises the plea of compulsion is no more valuable than the life of the murdered individual.

* The grounds on which this verdict is rested are as follows:

(١) In these agreements war between the Muslims and the Jews are said to have been brought to an end for all time to come, and this is an invalid condition:

It is not lawful for a Muslim to stipulate with the unbelievers, whether Jews or other, for ending war for ever between them and the Muslims; for war or *jihâd* is an obligatory duty which remains in force till the Day of Resurrection. It is not lawful to eliminate it from the legal code. Whoever thinks that *jihâd* is not an

obligatory duty or endeavours to nullify it or to set it aside is a *kâfir* and unbeliever in Allah *Subhânahu wa Ta'âlâ* and he leaves the *millah* of Islam and denies an essential and well-known aspect of the *dîn;* for fighting [for the *dîn*] is a continuing duty till the Day of Resurrection. The evidences of the Qur'ân and *sunnah* and the consensus of the *'ummah* in all ages are agreed on this. *But it is lawful to end the war for any specified number of years or without specifying any period*.

As regards the stipulation that war is brought to an end [for ever] between the Muslims and the unbelievers or that this is a treaty for permanent and comprehensive peace (*al-salâm al-dâ'im wa al-shâmil*), it nullifies the obligatory duty of *jihâd* and confirms the unbeliever in his unbelief; and this is not lawful for a Muslim ever unless he disbelieves in Allah and his Message.

(٢) These treaties provide for removing the causes of hostility and hatred and for eliminating all legislative texts that keep up this hostility:

And this condition is void because it contradicts the basis of belief (*'îmân*) which rests on distinguishing between a believer and an unbeliever and on the fact that the unbeliever (*kâfir*) is Allah's enemy for all time to come unless he embraces Islâm and absolves himself of unbelief (*kufr*). And Allah has made it unlawful for a Muslim to be on terms of friendship and love with the unbelievers, even if they were fathers, sons, brothers, clansmen or husbands or wives, as Allah says:

لَّا تَجِدُ قَوْمًا يُؤْمِنُونَ بِٱللَّهِ وَٱلْيَوْمِ ٱلْءَاخِرِ يُوَآدُّونَ مَنْ حَآدَّ ٱللَّهَ وَرَسُولَهُۥ
وَلَوْ كَانُوٓا۟ ءَابَآءَهُمْ أَوْ أَبْنَآءَهُمْ أَوْ إِخْوَٰنَهُمْ أَوْ عَشِيرَتَهُمْ ۚ

You shall not find a people who believe in Allah and the Last Day befriending those who oppose Allah and His Messenger even if they were their fathers or sons or brothers or their clansmen. (*Al-Mujâdalah*:٢٢).

And these treaties stipulate the absolute necessity of removing all causes of enmity. Nay, they forbid citing the evidence of the Qur'ânic *'âyahs* and the reports of *sunnah* that point out to this enmity; and they enjoin the suppression of all the historical events that recall the history of the hostility between the Jews and the Muslims in order to strip the Muslims of their *dîn*, history and heritage.

(٣) These treaties confirm the Jews in all that they have taken of the lands of Islam by force and treachery. And this cannot be lawful:

These treaties confirm the Jews in what they have snatched of the land of Islam in Palestine which the Muslims had conquered and of which the inhabitants had embraced Islam. It thus duly became a land of Islam which it is not lawful for the Muslims to give up. Rather it is the bounden duty of the Muslims to wage war for recovering it from the Jews. There is no doubt that to confirm the Jews in it and giving them its ownership by a treaty and a deal, and accepting the position that they have become its inhabitants and masters having power to do deal with it as they

like is an act of perfidy with Allah, His Messenger and this *'ummah*, and an abandonment of what Allah has made the Muslims owners and rulers of and on which He had settled them. Greater still, it is an abandonment of *al- Masjîd al-Aqsâ* which Allah had returned to the Muslims, openly declaring the transfer of religious precedence and leadership of mankind to the Muslim *'ummah*.

Confirming the Jews in the possession of the land of Palestine is void; because it is not lawful to confirm an unbeliever in the possession of the land in which he has grown up except on a temporary basis. So how could he be given for ever that which was in the hands of the Muslims?

Surely such an act is symptomatic of unbelief and exit from the *dîn* of Allah; and it is not lawful for a Muslim to be convinced of the propriety of such an act. Rather it is the duty of a Muslim to entertain the conviction that the Jews have usurped that which does not belong to them and that what they are holding of the land of Palestine is not their property. Nay, they took it by way of usurpation and due to negligence on the part of the Muslims. It is a bounden duty to remove their nasty hands from this land and to restore it to the clean hands.

وَلَقَدْ كَتَبْنَا فِى ٱلزَّبُورِ مِنۢ بَعْدِ ٱلذِّكْرِ أَنَّ ٱلْأَرْضَ يَرِثُهَا عِبَادِىَ
ٱلصَّٰلِحُونَ ﴿١٠٥﴾ إِنَّ فِى هَٰذَا لَبَلَٰغًا لِّقَوْمٍ عَٰبِدِينَ

And indeed We have written in the *Scripture,* after the reminder, that My righteous servants shall inherit the land. Indeed herein is a message for a people worshipping [Me]."

(*Al-’Anbiyâ’:* ١٠٥-١٠٦).

(٤) These treaties have been concluded without consultation of the Muslims; and any treaty which is concluded without consent and consultation is invalid:

Concluding peace between the Jews and the Muslims and giving the Jews the land of Palestine or part of it as property for them are matters that concern every Muslim because these are interlinked with his faith and belief and the code of law which Allah has sent down and wherewith He has honoured every Muslim. These treaties have been concluded by diverse rulers each of whom supposed he represented some of the Muslims in some Islamic lands (Egypt, Jordan, Palestine, ...). There is no doubt that these treaties do not bind any Muslim in the world; because these have been concluded in the names of regional nationalisms that are basically invalid because these create divisions among the members of one *’ummah* and one *millah*. Consequently, whatever agreement is concluded by any of the Muslim heads of states individually does not bind all the Muslims in the world, because he does not negotiate on behalf of them, nor can he lawfully speak on behalf of all of them. Hence these treaties do not bind the Muslims in general. Nay, they do not bind any section of them, because the Islamic peoples were not consulted with regard to anything concerning these agreements. It is only the politicians who took them by surprise with what they themselves signed and concluded. Agreements such as these that are concluded without consultation do not bind the Muslims.

(٥) These agreements are contracts made under duress, and a contract made under duress is not lawful in Islam.

The fifth reason for which these treaties are void is that these are treaties concluded under duress. The Muslim politicians who signed these treaties imposed these on them because of force, violence, duress and compulsion. They did not consult about these treaties any religious and learned man of the Muslims, nor anyone possessing judgement, experience, independence of mind and prudence. The treaties were concluded by those who give no weight to the *dîn*, nor distinguish between the permitted and the forbidden, nor between what is lawful and unlawful. Moreover, these were imposed by force of arms and subjugation. The consent given by a Muslim who is compelled and subjugated and thus appears to have given his consent has no validity; nor has his affirmation, for the affirmation of the one compelled and subjugated is of no account in an agreement. An agreement must be made by consent; for the condition of validity of an agreement in Islam is mutual consent and satisfaction even between a Muslim and a Muslim; and it is more so between a Muslim and a *kâfir*. Hence if a Muslim is compelled by force to conclude a treaty it is not lawful to accept it except being compelled to do so. Hence it is to be repudiated as soon as the capability to do so is attained. This applies even in respect of uttering a word of *kufr:*

مَن كَفَرَ بِٱللَّهِ مِنۢ بَعْدِ إِيمَٰنِهِۦٓ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُۥ مُطْمَئِنٌّۢ
بِٱلْإِيمَٰنِ وَلَٰكِن مَّن شَرَحَ بِٱلْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ
ٱللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ

Whoever utters unbelief after having believed except the one who is compelled while his heart remains happy in the faith; but whoever opens the heart for unbelief shall have on them wrath from Allah and they shall have a grave punishment. (*Al-Nahl*:١٠٦).

On account of the foregoing reasons we say that the these treaties are invalid and void from the day of their signing; and the void treaty is as if it does not exist. These are like agreements in respect of interest (*ribâ*), adultery, theft, cutting a public path or killing a Muslim. It is not lawful to abide by such agreements, nor to believe them to be valid.

It goes without saying that it is not lawful for a Muslim to conclude an unlawful agreement, even if there be some worldly advantages in it; for there are worldly benefits is an agreement in respect of taking or giving of interest (*ribâ*) for the creditor and the debtor, but its worldly benefits are to be avoided because Allah has forbidden it (*ribâ*). Likewise an agreement for adultery is of mutual benefits for the adulterer and the adulteress; for the adulterer enjoys and satisfies his desires and the adulteress enjoys and takes her fare. The same is the case with agreements in respect of lottery or buying and selling of wine; for there is no doubt that there are some worldly benefits in them ; but these are to be set aside and not taken into consideration.

If anyone raises the plea that the treaties that have been concluded with the Jews are of worldly benefits (for the Muslims) we would say that a forbidden agreement is void *ifso facto* even if there may be some worldly benefits in it. The argument of worldly benefits in the case of the treaty of compromise with the Jews is like the argument of one who raises the plea of the benefits of interest, gambling, buying and selling of wine, etc. And the treaties concluded with the Jews are worse in respect of invalidity than contracts regarding these forbidden things; for these treaties constitute an undertaking to abrogate *jihâd*, write off enmity towards the *kuffâr*, drive out the Muslim from Islam and strip him of his '*ummah* and *dîn;* nay, of his history and civilization.

There can be no doubt that this is a graver sin than making contract for the giving and taking of interest, committing adultery, gambling or for buying and selling wine.

(٦) *These treaties will spoil the worldly interests of the Muslims, not simply their* **dîn***:*

It might be argued in favour of the validity of the treaties and the legality of sticking to them by some who supposes that these will result in worldly benefits for the Muslims and will give them the time required for preparing themselves against their enemy. It might also be said by the one who sells one's hereafter for one's worldly life that the fruits of peace are very great and that the so-called peace will bring wealth and prosperity to the people of the area, as they say. But the truth is that the worldly and material losses involved in these treaties and their harmful effects are far

more, and will be compounded manifold than what appears and what is supposed to be the benefits.

It is an admitted legal maxim that it is not lawful for the Muslims to conclude a peace treaty with their enemies of which the ill effects outweigh the good effects – and this is with regard to the lawful terms –for such an agreement will be neglecting the right of the Muslims, destroying their wealth, worldly affairs and interests.

And this is one of the invalidating factors for a treaty with the *kuffâr* as laid down by the *Imâms* on the ground that it is not lawful to conclude an agreement which is not in the interest of the Muslims. Hence it is not lawful on the part of the Muslims to conclude a treaty in which the losses to the Muslims are more than their gains, because that would be neglecting the right of the *'ummah*, giving to the enemies without any reason and strengthening them against the Muslims.

The following are some of the losses that have been caused to the Muslims behind the veil of these treaties:

(١) These treaties set the hands to the Jews free with regard to the wealth of the Muslims and raise the economic blockade against them (the Jews) so that their economy grows and they establish their power over the Muslims with their wealth, as they have done in America and Europe. For, in spite of the fact that the Jews are a minority in America in relation to the total American population, the economic role is almost completely in the hands of the Jews so much so that they have captured the rein of life in America and have captivated its people. This grievous

fate will befall the Arab people if the doors of the Arab countries are opened to the Jews for establishing their control over their economy and for playing their game with this '*ummah* as they have played with the Christian peoples, putting them in their (the Jews') service and under their feet.

And what is regrettable is that the Muslim Arab peoples have abandoned many aspects of the culture of Islam and its injunctions and have become an extravagant people expending more than what they earn. They do not even produce one tenth of what they eat, ride on, wear and use, whereas the Jews are just the opposite of it. They are a persevering, producing and active people; and this will make them in the long run masters of the Muslims and leaders of the Arabs, for the treaties will necessarily transmute the wealth and resources of the Muslims in the hands of the Jews, and the sons of the Arabs will become tomorrow the servants of the Jews, being workers in their factories, tillers in their cultivating fields, petty employees in their offices, small retailers for their big businessmen, humble agents for their companies, servants in their houses and builders for their palaces.

(٢) Entry of the Jews to become a member in the body of the Arab states and of the Islamic people after divesting them of the names of Islam and Arabs – for the Islamic Arab region has already been divested of these names and has been designated by a new name, that is the "Middle East". This name makes the Jewish state a part of this "Middle East", for it is situated in it, and this will invest the Jews with the character of being indigenous to this part of the land of Islam. Nay, the brotherliness, the friendship, and the neighbourliness in the context of this "Middle East" which will probably give rise to a unified market and unified policies and objectives. Consequently

the Jews will become part of this fabric. The entry of the Jews in the Islamic Arab body in this manner will give them freedom of movement in broadcasting the poisons of division and jealousy among the Muslims; and they will spread false dogmas and creeds of unbelief, and all that they are distinguished for throughout history for destroying their enemies.

Indeed the Jews have ever been moving across the earth to create troubles since they strayed from Allah's *dîn* sent down on Mûsâ; and Allah cursed them and they were cursed through the tongues of His Prophets and Messengers after Mûsâ.

لُعِنَ ٱلَّذِينَ كَفَرُوا۟ مِنۢ بَنِىٓ إِسْرَٰٓءِيلَ عَلَىٰ لِسَانِ دَاوُۥدَ وَعِيسَى ٱبْنِ
مَرْيَمَ ۚ ذَٰلِكَ بِمَا عَصَوا۟ وَّكَانُوا۟ يَعْتَدُونَ

Accursed were those who disbelieved of the Children of Isrâ'îl through the tongue of Dâwud and 'Îsâ ibn Maryam, because they disobeyed and used to transgress. (*Al-M'idah*:٧٨).

And their endeavours to create mischief and to bring about troubles continue and will continue till the end of the earth and till they come out for Dajjâl and make the world ready for him alleging that he is Allah and lord of the heavens and the earth. It was the unbelievers of the Jews who killed their Prophets, and attempted to kill 'Îsâ ibn Maryam, but Allah rescued him from their conspiracy. They also attempted to kill the Messenger Muhammad, peace and blessings of Allah be on him; but Allah saved him repeatedly. Then his death came through the effect of poison which a woman of the Jews gave him. They also

endeavoured to dislodge Islam as they dislodged the Christian religion; but they failed in the attempt so that this *dîn* remains in force and shall so remain till the end of the world, in spite of their intrigues, and till they are done away with at the hands of the Muslims in the last period.

These are the Jews who have become by virtue of these treaties part of the Arab and Islamic land which they have designated "The Middle East". The treaties will give them the opportunity to blow their poisons among the Islamic *'ummah* and to enkindle internal and internecine wars among the Muslims with a view to wrecking them and destroying their power; and they will do so confidently and contentedly now that they have come within the House of Islam after they had been – in some degree – out of it.

And tomorrow, if these treaties are given effect to, there will be found no land whence it will be possible to exclude them, except Makkah and Madînah. As regards all the other Islamic and Arab lands, these will become the stage for the Jews to indulge in their conspiracies and mischief-making.

So will any reasonable person say that these treaties are in the interest of Islam and the Muslims as regards their worldly affairs?

(٣) The truth about the benefits for the Muslims which the Jews have beckoned from behind these treaties is that they are either absolutely harmful or a very insignificant thing that does not at all compare with what the Jews have taken and obtained; for the abandonment of war with the Jews and hostility towards them is an undiluted damage; for it constitutes abandonment of the *dîn* and abrogation of the laws of Islam. This is an absolute

loss for the Muslim. As regards the plea that the peace will bring in aids for the Muslims from the unbelievers, it is a loss likewise; for the *kâfir* will not give aid to the Muslims freely and for the sake of Allah. The unbelievers' aid to the Muslims will invariably be hedged by conditions involving humiliation, destitution, abandonment of the *dîn*, dismemberment of Islam and fighting the righteous which will not please any who fears Allah and guards himself against Him. Or the supposed benefits will be loans whereby the Muslims will pledge themselves to their enemies and thus fall in the web of compound interest which will enfetter their economy and resources. And this is what the unbelievers have done in the Muslim countries.

And as regards what they call self-government for the Palestinians, that is simply a kind of humiliation and debasement; for the land becomes a land of the Jews, while the Palestinians run the administration for themselves with regard to some of their affairs on the land of the Jews and not on the land of their own!

Indeed it was more appropriate and better for the Palestinians to live on the land of Palestine with the belief that their land is illegally seized than to live on it with the belief that they have given it up to the Jews and that it has become a land of the Jews; for it is better that the Jews rule over them by force while they continue to dislike and oppose it than that they (the Palestinians) govern themselves in some minor affairs leaving all the important matters in the hands of the Jews willingly and surrendering Palestine to them.

In sum:

The material losses and the immediate evils resulting from these treaties are innumerable compared to the benefits that are either delusive, such as peace and prosperity, or very few devoid of any real benefit, and that also in exchange of the Muslims' forgoing through these treaties their *dîn*, their honour, their dignity, their land and their sacred spots in favour of the Jews. Therefore what gain can balance these losses?

III

DUTY OF THE MUSLIM TOWARDS THESE TREATIES

And now comes the most important question, that is: What is the duty today on the Muslim as regards these treaties?

The answer:

(١) The first duty is to firmly believe in their invalidity and that because they contain invalid conditions they were born dead the very day they were given birth to; because it is not lawful for the Muslim to conclude an agreement with the unbeliever for abandoning *jihâd* and abrogating this religious duty, nor for giving up hostility towards the Jews and affirming love and amity for them; for this is leaving the *millah*. These treaties also contain provisions making it incumbent to screen out such *'âyahs* of the Qur'ân and *'ahâdith* (statements) of the Messenger of Allah, peace and blessings of Allah be on him, that declare this enmity towards the Jews. This undertaking constitutes a collusion with the unbelievers for concealing the *dîn* and knowledge and for suspending the *'âyahs* of the noble Qur'ân and *'ahâdîth* of the Messenger of Allah, peace and blessings of Allah be on him, that explain the essence of obligatory relationship with the Jews; and this in fact is driving the Muslims out of Islam and stripping the *'ummah* of its belief and history.

And since these treaties contain such conditions and stipulate

them clearly, they are therefore invalid and it is not lawful for the Muslim to believe in them.

(٢) The second duty of the Muslim is to believe that these treaties do not bind him and that it is not lawful for him to give effect to any of their contents except under compulsion and necessity to the extent compulsion is a valid ground for compliance.

This is so because they contain the above noted invalid conditions and because they have been concluded without the consent and consultation of the men of religion, learning and judgement and because they will spoil the *dîn* of his sons and progeny, besides spoiling his worldly interests.

(٣) The third duty is to work towards overthrowing these treaties. Their position is like the position of every abomination that may be found in the land of Islam and that which it is a duty to abhor and reject according to the conditions and requirements of rejecting as far as practicable, and to see that there does to accrue to it a worse abomination and that an abomination is not met by another abomination.

(٤) The fourth duty is to believe that the Jews, as long as they adhere to their false religion, waging war against Islam and its followers, they are members of a community on whom Allah 's wrath has fallen. It is a duty to fight and confront them as long as they remain on their course of action in fighting Islam, disbelieve in it and commit aggression upon the Muslims. To detest them is the *dîn* to be followed for Allah's sake by a Muslim.

(٥) The duty to unite the *'ummah* towards attaining this objective of putting an end to the sway of the Jews in the world and to their tyranny upon the Muslims and their capture of the base of the Night Journey of the Messenger of Allah, peace and blessings of Allah be on him, and of *al-Masjid al-Aqsâ*.

(٦) To believe that the Jews could not have been able to establish their sway in the world to such an extent except after the elimination of Islam from the Arab states and their constitutions and legislation – except as Allah had His mercy – and the slogans of nationalism and secularism had taken the place of Islam and there had taken up this issue the secularists who fought the Jews under slogans other than Islam, and isolated Islam from this issue. Then when they were unsuccessful, and this is Allah's way of dealing with His creation, and they announced their humiliating surrender and threw themselves under the feet of the Jews, they gave it out as the highest degree of wisdom and reason. Hence they failed in their war and Allah debased and disgraced them in this life before the hereafter, on account of their moving away from Islam and their discarding of the Book of Allah and the *sunnah* of His Messenger, peace and blessings of Allah be on him.

And on that account to believe that there cannot be any victory in this issue and any dislodgement of the Jews from the midst of the *'ummah* and an ending of their sway in the world except by means of Islam in belief, in method and in *jihâd*.

(٧) To pray to Allah *Subhânahu wa Ta'âlâ* day and night that He unite the words of the followers of Islam, that He unite their ranks and that He return them to their *dîn;* and that He prepare

for them the means of their victory over the enemy of Allah and theirs.

And all the praise belongs to Allah, Lord of all beings.